

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Caitlin Schnur	Team: Team # 3	CCRB Case #: 201007646	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 04/03/2010 11:20 AM	Location of Incident: § 87(2)(b) [REDACTED] AND the 67th Precinct stationhouse (67th PCT, Brooklyn)		Precinct: 113	18 Mo. SOL 10/3/2011	EO SOL 10/3/2011
Date/Time CV Reported Mon, 05/31/2010 5:05 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 06/07/2010 3:38 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. An officer			
3. CPT Raymond Festino	00000	915709	PBMN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Kevin Devine	08234	925191	067 DET

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Force: An officer used physical force against § 87(2)(b) at § 87(2)(b) in Queens.	[REDACTED]
B. CPT Raymond Festino	Off. Language: Captain Raymond Festino made remarks to § 87(2)(b) § 87(2)(b) based upon her sex at § 87(2)(b) in Queens.	[REDACTED]
C. An officer	Off. Language: An officer made remarks to § 87(2)(b) § 87(2)(b) based upon her sex at § 87(2)(b) in Queens.	[REDACTED]
D. Officers	Force: Officers used physical force against § 87(2)(b) § 87(2)(b) at § 87(2)(b) in Queens AND at the 67th Precinct stationhouse in Brooklyn.	[REDACTED]
E. Officers	Abuse: Officers threatened § 87(2)(b) § 87(2)(b) with the use of force at the 67th Precinct stationhouse in Brooklyn.	[REDACTED]

### Case Summary

On May 31, 2010, § 87(2)(b) § 87(2)(b) filed the following complaint with IAB on behalf of herself and her boyfriend, § 87(2)(b) § 87(2)(b), regarding an incident that occurred on April 3, 2010. This complaint was referred to the CCRB and received on June 7, 2010. On June 15, 2010, § 87(2)(b) § 87(2)(b) provided a CCRB phone statement. On June 23, 2010, § 87(2)(b) § 87(2)(b) provided an in-person CCRB statement. The summary below reflects the information provided by § 87(2)(b) § 87(2)(b) during her in-person statement.

At approximately 11:20 a.m. on April 3, 2010, § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) were at § 87(2)(b) § 87(2)(b)'s residence at § 87(2)(b) § 87(2)(b) in Queens. § 87(2)(b) § 87(2)(b) received a phone call that fifteen police officers were at his mother's home in Brooklyn (within the confines of the 67th Precinct) looking for him. § 87(2)(b) § 87(2)(b) agreed to go to the 67th Precinct stationhouse to speak with the officers. § 87(2)(b) § 87(2)(b) left § 87(2)(b) § 87(2)(b)'s home to make a food purchase before going to the stationhouse. § 87(2)(b) § 87(2)(b) heard yelling and commotion. She ran outside and saw § 87(2)(b) § 87(2)(b) handcuffed and positioned against a RMP. Approximately five plainclothes officers were at the location, including an officer identified by § 87(2)(b) § 87(2)(b) as Officer Kevin Devine of the 67th Precinct Detective Squad. § 87(2)(b) § 87(2)(b) tried to find out what was happening. Two officers, PO1 and PO2, placed § 87(2)(b) § 87(2)(b) into the RMP. The investigation identified PO1 as Captain Raymond Festino of Patrol Borough Manhattan North. Captain Festino and PO2 "manhandled" but did not "beat up" § 87(2)(b) § 87(2)(b) as they placed him into the RMP. § 87(2)(b) § 87(2)(b) ended up facedown against the RMP's back seat, and Captain Festino and PO2 pushed his legs and the rest of his body inside of the RMP. Captain Festino used his hands to push § 87(2)(b) § 87(2)(b)'s body into the RMP. PO2 kicked at § 87(2)(b) § 87(2)(b) to make him go into the RMP (**Allegation A**). § 87(2)(b) § 87(2)(b) asked what was happening and Captain Festino elbowed § 87(2)(b) § 87(2)(b) in the arm and said either, "Get the fuck out of here" or "Move, bitch" (**Allegation B**). § 87(2)(b) § 87(2)(b) asked where the officers were going to take § 87(2)(b) § 87(2)(b) and PO2 said, "Bitch, you'll figure it out" (**Allegation C**). The officers left with § 87(2)(b) § 87(2)(b). § 87(2)(b) § 87(2)(b) determined that § 87(2)(b) § 87(2)(b) had been taken to the 67th Precinct stationhouse and reported there. Officer Devine and PO2 interviewed § 87(2)(b) § 87(2)(b). During the interview, she was told that § 87(2)(b) § 87(2)(b) was in the room next to her. She heard commotion from this room. Later, § 87(2)(b) § 87(2)(b) received a phone call from § 87(2)(b) § 87(2)(b) while he was at Brooklyn Central Booking. § 87(2)(b) § 87(2)(b) told § 87(2)(b) § 87(2)(b) that while he was being questioned at the stationhouse, officers had slammed around his body and slammed his hands into the table (**Allegation D**). He also told § 87(2)(b) § 87(2)(b) that the officers said they were going to kill and poison him (**Allegation E**). § 87(2)(b) § 87(2)(b)

§ 87(2)(b) § 87(2)(b) described PO1 as a Caucasian male in his 40s who stood 6'3" – 6'4" tall, was heavyset and had salt and pepper hair. § 87(2)(b) § 87(2)(b) said PO1 appeared to be a supervisor. A review of the DD5s for this case found that Captain Festino, then a Lieutenant, approved § 87(2)(b) § 87(2)(b)'s I-Card. According to CCRB Case #200800818, Captain Festino is a Caucasian male who is § 87(2)(b) § 87(2)(b) old, stands 6'2" tall, weighs 250 pounds and has brown/gray hair. § 87(2)(g) § 87(2)(g)

§ 87(2)(b) § 87(2)(b) described PO2 as a Caucasian male in his late 20s who stood 5'9" tall, had a medium build, likely had blonde hair and had blue eyes. A review of the DD5s in conjunction with CTS showed that at least fifteen Caucasian male officers worked on this case, yielding no clear identification for PO2. The DD5s said Detective Patrick Smith of the 67th Precinct Detective Squad interviewed § 87(2)(b) § 87(2)(b) at the 101st Precinct stationhouse, but Detective Smith does not match § 87(2)(b) § 87(2)(b)'s description of PO2. Moreover, IAB provided the undersigned investigator with the incorrect roll call and movement

log. § 87(2)(g) [redacted]  
[redacted] None of the  
DD5s note which officers interviewed § 87(2)(b) [redacted] at the 101<sup>st</sup> Precinct stationhouse. § 87(2)(g) [redacted]  
[redacted]  
[redacted]

On June 29, 2010, § 87(2)(b) [redacted] provided an in-person CCRB statement, at which time she made allegations on behalf of herself and § 87(2)(b) [redacted]. The New York City Inmate Locator showed that § 87(2)(b) [redacted] was incarcerated on Riker's Island. On July 16, 2010, § 87(2)(b) [redacted]'s attorney, § 87(2)(b) [redacted], was contacted to discuss the investigation. § 87(2)(b) [redacted] told the undersigned investigator that he did not want § 87(2)(b) [redacted] to provide an official statement while his criminal case was pending. On July 19, 2010 and August 18, 2010, first and final please call letters were sent to § 87(2)(b) [redacted] at Riker's Island informing him of § 87(2)(b) [redacted] advice. The letters asked § 87(2)(b) [redacted] to contact the CCRB by September 1, 2010 and state how he would like to proceed with the investigation. As of the date of this report, § 87(2)(b) [redacted] has not done so.

Between July 16, 2010 and August 19, 2010, three calls were placed to § 87(2)(b) [redacted] to inform her of § 87(2)(b) [redacted] advice and find out how she would like to proceed with Allegations B and C. On the first call, there was no answer and a voicemail message was left asking § 87(2)(b) [redacted] to contact CCRB. On the second call, § 87(2)(b) [redacted] answered the phone, acknowledged receiving the voicemail message and said she needed to contact § 87(2)(b) [redacted] before moving forward with the investigation. On the third call, § 87(2)(b) [redacted] answered the phone and said that as per § 87(2)(b) [redacted] advice, she could no longer speak to the undersigned investigator. § 87(2)(b) [redacted] was told that her case could be closed and then re-opened on a later date pending the conclusion of § 87(2)(b) [redacted]'s criminal case. § 87(2)(b) [redacted] responded by saying that she had to speak with her attorney before cooperating further with the CCRB. As of the date of this report, she has not contacted the CCRB.

§ 87(2)(g) [redacted]  
[redacted].

Team: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature \_\_\_\_\_ Print \_\_\_\_\_ Date \_\_\_\_\_

Supervisor: \_\_\_\_\_  
Title/Signature \_\_\_\_\_ Print \_\_\_\_\_ Date \_\_\_\_\_

Reviewer: \_\_\_\_\_  
Title/Signature \_\_\_\_\_ Print \_\_\_\_\_ Date \_\_\_\_\_

Reviewer: \_\_\_\_\_  
Title/Signature \_\_\_\_\_ Print \_\_\_\_\_ Date \_\_\_\_\_